THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.22327 of 2007

Dated: 23-10-2007

Between:

M/s.Mourya Quality Foodpoint, Hyderabad
...Petitioner

and

The Addl.Commissioner of Commercial Taxes,
O/o.The Commissioner (CT)
Nampally Station Road, Hyderabad and others.
...Respondents

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Order: (Per The Hon'ble Sri Justice Bilal Nazki)

During pendency of the first appeal, when stay was rejected, the petitioner approached this Court by filing W.P.No.15024 of 2005 and this Court by order dated 13-07-2005 disposed of the said Writ Petition directing the petitioner to deposit 50% of the disputed tax liability so that coercive steps are not taken for its recovery. The petitioner has complied with the said

order. Now, the petitioner lost the first appeal and filed Second Appeal before the Sales Tax Appellate Tribunal and is facing the same problem of recovery. Hence, the present Writ Petition.

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

Since the petitioner has already deposited 50% of the disputed tax liability, we feel that insistence of payment of the rest of the disputed tax during pendency of the second appeal before the Tribunal would not be fair.

In these circumstances, we allow the Writ Petition and direct that there shall be stay of recovery of the rest of the disputed tax liability, till the appeal is disposed of by the Tribunal. No costs.

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(Bilal Nazki, J)

Dated 23rd October, 2007

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(Ramesh Ranganathan, J)

Note:
Wire at party's costs.
B/o
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